

# NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

## *Minutes of Meeting*

September 8, 2006

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### Attendance:

Med Kopczynski, NH Municipal Association, Acting Chairman  
Mark Weissflog, NH Electrical Contractors Business Assoc., licensed master electrician  
Joel Fisher, Board of Engineers, licensed structural engineer  
Laura A. Black, PE - Board of Engineers, licensed electrical engineer  
Michael Santa, CBO, Governor's Commission on Disability, Architectural barrier/free design  
John Tuttle, NH Home Builders Association, Architectural designer - residential  
Tedd Evans, Board for Licensing and Regulation of Plumbers, licensed master plumber  
Wayne A. Richardson, NH Building Officials Association, municipal building official  
Thomas Malley, Bureau of Electrical Safety and Licensing, licensed master electrician  
James Petersen, PE, Board of Engineers, licensed mechanical engineer  
Thomas S Lambert, Chief, NH Association of Fire Chiefs, Municipal Fire  
Wes Golomb, Public Utilities Commission, State energy conservation code office  
Rick Swain, NH Plumbing & Mechanical Contractors Assoc., mechanical contractor, business

### Excused:

Robert Clegg, Chairman, Department of Safety  
Jerry Tepe, Board of Architects, licensed architect  
Fred Baybutt, Associated General Contractors, building contractor - non-residential bldgs.

### Absent:

Mark Tibbetts, NH Association of Fire Chiefs, municipal volunteer fire chief

### Guests:

J. William Degnan, State Fire Marshal, Division of Fire Safety  
Marta Modigliani, Attorney, Dept of Safety

Acting Chair Kopczynski called the meeting to Order at 10:05 and declared a quorum.

### **GENERAL MEETING:**

#### Adoption of meeting minutes from May 12, 2006.

Chairman Kopczynski asked if there were any errors or omissions to the May 12<sup>th</sup> meeting minutes. Seeing none asked for a Motion to adopt the meeting minutes. John Tuttle made the **Motion** to adopt. **Motion** was **Seconded** by Mike Santa. **Vote was taken. Vote was unanimous in favor.**

The Chair recognized Wes Golomb, one of the founding fathers of this Board, and asked him to speak. Wes will be leaving to pursue a career in the academia field. He thanked the Board for his years allowed to sit on the Board. Chairman Kopczynski thanked Wes for his help and participation and willingness to lend his full ear, over the years as we worked our way through the complexity of the Codes in discussions and adoptions. Thank you Wes.

#### **OLD BUSINESS:**

The Chair stated that the sub-committees decided to go forward with their recommendations, knowing that the main request to the legislature would be Adoption - and the committee itself would go forward and make whatever substantive amending that should take place. The Code would be amended as we have always amended the Codes - it would be the Base Code addition that would be recommended for Adoption.

#### *Exhibit 18 - Amendments to the International Building Code - 2006:*

Sub-committee reported that the Amendment sheet goes along with the Adoption. John Tuttle reported that some revisions were discussed and specifically 101.4.4 Plumbing - was to be stricken. Mike Santa said that the original document omitted that the reference to the IRC was stricken and should now be redacted. Tedd Evans asked why these amendments were eliminating the reference to the International Electrical Code - because what that does is reference the administrative revisions that are equal to the rest of the Codes that have all the Administrative Revisions, and all the Technical Revisions make reference to the NEC Electrical Code that's adopted in the State. Mark Weissflog said it would be better to bring this up during the next Code cycle for the NEC. Tom Lambert when the original IBC there were amendments to the height and area - does it have to be re-amended now? Marta stated that yes it would have to be re-amended. Mike said there should be an analysis done to see what the differences are. Wayne Richardson said the RSA specifically states that they will be operating under the NH Fire Code - and they do not adopt the IFC - so any reference to the IFC would make it null and void. Rick Swain made the **Motion** to recommend to the Legislature, the adoption of the IBC - 2006 Edition with the amendments specified as Exhibit 18, less the 101.4.4 Plumbing amendment. Tom Malley **Seconded** the **Motion**. Discussion clarified the proposed Motion. Second stands. Chair Kopczynski said a 'clean-up' sub-committee will be formed for these Exhibits in the near future. **Vote was taken on the Motion. Motion passed with one nay.**

#### *Exhibit 19 - Amendments to the International Plumbing Code - 2006:*

Rick Swain made the **Motion** to recommend to the Legislature, the adoption of the IPC - 2006 Edition with the amendments specified as Exhibit 19. Mike Santa **Seconded** the **Motion**. Listed under 101.2 and the strikeout referencing the IRC. This will need the same redaction cleanup as in Exhibit 18. **Vote was taken on the Motion. Motion passed unanimously.**

#### *Exhibit 20 - Amendments to the International Mechanical Code - 2006:*

James Petersen reported that similar to Plumbing sub-committee, there wasn't anything discussed technically with respect to change in the Code 2000 - 2006 and the Exhibits were part of the discussion and no changes to the Exhibits were discussed. They did discuss a conflict between the 2006 Mechanical Code and the Fire Code - which was dealing with smoke detectors and duct work. That would be the subject for discussion at a later date. James Petersen made the **Motion** to recommend to the Legislature, the adoption of the IMC - 2006 Edition, with the amendments specified as Exhibit 20. The Chair asked about the definition of Town House that may need some

attention at a later date also. Tedd Evans **Seconded** the **Motion**. **Vote was taken on the Motion**. **Motion passed unanimously**.

*Exhibit 21 - Amendments to the International Energy Code - 2006:*

Wes Golomb said there are 4 or 5 technical changes not on the amendments. The climate zone demarcations have changed and the sub-committee feels that they should stick with one zone. They recommended Climate Zone 5 instead of 6. The only difference is the amount of insulation in the ceiling. Wes Golomb made the **Motion** to recommend to the Legislature, the adoption of the IEC - 2006 Edition, with the amendments specified as Exhibit 21. Wayne Richardson **Seconded** the **Motion**. **Vote was taken on the Motion**. **Motion passed unanimously**.

*Exhibit 22 - Amendments to the International Residential Code - 2006:*

John Tuttle made the **Motion** to recommend to the Legislature, the adoption of the IRC - 2006 Edition, with the amendments specified as Exhibit 22. There are items within the text that the sub-committee would like to amend at a later date. Tedd Evans **Seconded** the **Motion**. **Vote was taken on the Motion**. **Motion passed unanimously**.

Wayne Richardson stated that when the sub-committees met, they did have a complete analysis of the differences in all the Codes available to them. Changes were known.

**NEW BUSINESS:**

*Penalty provision of RSA 155-A:*

Tedd Evans reported that the legislature, at the request of the Plumbing Board, recently revised the penalty provision of RSA 329-A to make plumbing without a license a misdemeanor, rather than a violation as before. In the rewrite of that section, the penalty provision for code violations as a misdemeanor was omitted. The penalty provisions of 155-A make references in the penalty section that appear to only authorize local enforcement of these penalties. The plumbing board wants to know if code violations can be prosecuted as misdemeanor offenses by the state or only by local authorities. The Plumbers Board was looking for clarification. This is a potential problem that needs to be fixed. Tedd Evans made a **Motion** to request the attorney that advised this Board to give us direction on this issue. Marta stated that it would be more proper to go to the Attorney for the Plumbers Board rather than the Attorney from this Board. Marta will speak with the Attorney for the Plumbers Board informally on this matter.

Joel Fisher said it's important to make the distinction between the licensing boards and penalty provisions and between code violations and penalty provisions. Chairman Kopczynski asked to have both Boards (Plumbing and Electrician's) attend next months meeting for a discussion, and the Building Code Board will have Attorney Arnold attend as well for input and clarification to ascertain if legislation may be needed. Fire Marshal Degnan addressed the Board stating that as far as the Electrician's go - that would not be an issue because they have been acting as their agent in any Code violation, being prosecuted as a violation of the State Fire Code. There is a link missing in the Plumbers Board.

*Possibility of Code Amendment to establish a standard definition for potable water for private wells:*

In his new role as Code Enforcement officer - Tedd Evans has to issue certificates of occupancy (CO's) and approvals for new buildings. He discovered that there are no standards for potable water other than bacteria. Some towns do require testing of well water, some don't, some require simply bacteria tests, others require elaborate testing. The current standards are all over the board, just as the building codes were. He would like to know what is potable water and what is it we are requiring people to provide testing on. Mike Santa said he is running into this also, and suggested perhaps it might be something the Plumbers Board may want to get into. Wayne Richardson stated that there are no required water tests for private wells in the State of NH. There are no state statutes. The Water Well Board is encouraging local communities to adopt the Base Level Water tests - 8 / 10 perimeters. Rick Swain stated this is a potentially huge issue and needs to be researched. The Chair said we will take this up at our next meeting and tabled further discussion.

*EXHIBIT 23 - proposed amendment to adopt Appendix G of the International Residential Code - 2000:*

Small changes are things like allowing lockable ladders or removable ladders to act as a barrier to a pool. They have changed the requirements to the chain link fence. Tedd asked if this was to be an adoption to the 2000 IRC now. Mike said that the NH Building Officials Association may want to weigh in on this. There is nothing state-wide for pools and fencing. Wayne Richardson made the **Motion** that this Board schedule a PUBLIC HEARING to adopt this amendment (Exhibit 23) to the 2000 IRC Code next month. Tedd Evans **Seconded** the **Motion**. **Vote was taken on the Motion. Motion passed unanimously.**

*Discussion of the Modular Home Industry:*

Chair Kopczynski will table this item until the next meeting. Those in the enforcement side of the industry - be prepared to speak about problems they are experiencing with the installation of modular building.

**OTHER BUSINESS**

Rick Swain wanted to compliment the Chair on the work he did setting up the discussions on the Exhibits. He was inspired.

**ADJOURNMENT**

Tedd Evans **Moved** to adjourn. John Tuttle **Seconded** the **Motion**. **Vote was taken on the Motion. Motion passed unanimously.**